

EXHIBIT NO. 3

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ROBYN SMITH for DEVAN
VANBRUNT, a Minor, by his Mother and
Natural Guardian,

**Court File No.: 0:11-cv-01771
(RHK/LIB)**

Plaintiff,

v.

BLITZ U.S.A. INC., WAL-MART
STORES, INC., WAL-MART STORES
EAST, LP, WAL-MART STORES EAST,
INC., KINDERHOOK CAPITAL FUND II
L.P., and KINDERHOOK INDUSTRIES,
LLC,

**DEFENDANTS KINDERHOOK
CAPITAL FUND II, L.P. AND
KINDERHOOK INDUSTRIES, LLC'S
RULE 26(A)(1) DISCLOSURES**

Defendants.

Defendants Kinderhook Industries, LLC and Kinderhook Capital Fund II, L.P. (together, the "Kinderhook Defendants") respectfully submit, by special appearance, this disclosure statement pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

The Kinderhook Defendants filed a Motion to Dismiss or, in the alternative, Stay the claim against them (the "Motion to Dismiss") on March 29, 2012. Arguments on the Motion to Dismiss are scheduled to be heard by this Court on June 18, 2012. The Kinderhook Defendants submit that any disclosure of documents or information at this time is premature, as this Court has not yet determined whether it has personal jurisdiction over the Kinderhook Defendants, or that Plaintiffs have stated a claim against the Kinderhook Defendants upon which relief can be granted.



Pursuant to Fed. R. Civ. P. 26(e), the Kinderhook Defendants will supplement the disclosures made herein in the event that the Motion to Dismiss is denied or initial disclosures are ordered by the Court.

Dated: April 9, 2012

By: s/Seth Leventhal

LEVENTHAL pllc
Seth Leventhal, Esq. (#0263357)
2100 Rand Tower
527 Marquette Ave S
Minneapolis, MN 55402
Telephone: (612) 234-7349
seth@leventhalpllc.com

FRESHFIELDS BRUCKHAUS DERINGER
US LLP

Timothy P. Harkness (admitted *pro hac vice*)
Pamila Gudkov (admitted *pro hac vice*)
601 Lexington Avenue, 31st Floor
New York, New York 10022
Telephone: (212) 277-4000

ATTORNEYS FOR DEFENDANTS
KINDERHOOK CAPITAL FUND II, L.P.
AND KINDERHOOK INDUSTRIES, LLC